

claims define patentable subject matter warranting their allowance. Applicant respectfully requests favorable reconsideration and allowance are respectfully urged.

Applicant has claimed priority from his corresponding applications filed in Norway, and such priority claim is respectfully repeated. Attached herewith please find certified copies of the two Norwegian priority applications. Accordingly, acknowledgement by the PTO of the receipt of applicant's papers under Section 119 would be appreciated.

Applicant is in receipt of the examiner-initialed copy of the Form PTO/SB/08A filed as part of applicant's Information Disclosure Statement. However, three documents have been scratched through which suggests that the examiner has not considered these documents. Copies of such documents were submitted in accordance with the regulations. The relevance of each of documents AB, AC and AD, the three scratched out, is to be found in the International Search Report which was filed as part of the IDS. This is fully consistent with Comment 68 in the preamble to the final rules, noting 1135 OG 13, at 20.

As applicant has complied with the rules, applicant is entitled to have the documents in question considered by the PTO, and applicant further is entitled to receive an

indication from the PTO that such documents have been considered, such indication of consideration being the form of examiner's initials placed adjacent a return copy of the Form PTO/SB/08A. Applicant therefore requests a clean copy of the Form PTO/SB/08A with the examiner's initials adjacent to each of the listings of documents AB, AC and AD.

The restriction has been repeated and made final. However, the examiner has indicated that rejoinder would be considered upon allowance of a main claim from the elected group, so long as the method claims contain all the features set forth in the main elected product claim. Applicant respectfully maintains the traversal, respectfully noting that the nature and structure of the product is dependent upon how the product is made, as applicant will elaborate below.

Applicant notes paragraph 3 of the official Action, and requests that this matter be held in abeyance pending allowance of the present application. Under present rules, in order to amend only one word in a paragraph, the entire paragraph must be retyped. This is onerous. Applicant would respectfully go even further, and respectfully requests the examiner to make the change by red-inking upon allowance of the present application.

Claims 3, 4, 6-8 and 13 have been rejected under the second paragraph of Section 112. This rejection is respectfully traversed.

The rejection is no longer applicable in view of the cancellation of the original claims. To the extent that language appears in the new claims which has been criticized in the rejection in question, applicant respectfully notes as follows. In particular, the dtex value is not at all irrelevant. The dimensions of the fibers have a very strong effect on the properties of the final product. It should be readily understood that the melting of heavier fibers present in the same quantity would give a very different final product.

While applicant can concede that the claims in their previous form were not in the best form under U.S. practice, applicant nevertheless believes that the claims as previously drafted, particularly considered in light of applicant's specification (consistent with the law), would not have been confusing to those skilled in the art, and therefore the claims in their previous form were fully in accordance with Section 112. At worst, or some of those claims in their previous form **might** be considered objectionable, but **only** as to form.

The rewriting of the claims as new claims is at least partly in deference to the examiner's views and to avoid or minimize needless argument. The rewritten claims largely constitute cosmetic amendments which are of a formal nature only, i.e. made to place the claims in better form consistent with U.S. practice. For the most part, the new claims do not contain "narrowing" amendments.

Applicant respectfully requests withdrawal of the rejection.

Claims 1-5, 9 and 13-15 have been rejected as obvious under Section 103 from Doerer et al USP 4,418,031 ("Doerer") in view of Barrable USP 4,101,335 ("Barrable"). Claims 6 and 7 have been similarly rejected as obvious under Section 103 from the same combination, further in view of Börger et al USP 5,723,209 ("Börger"). Similarly, claim 8 has been also rejected under Section 103 as obvious from the same combination as applied against claims 1 and 2, further in view of Vöst et al USP 5,047,453 (Vöst). These rejections are respectfully traversed.

First, the objectives of the references are largely and significantly different than the objectives of the present invention, and bearing in mind such difference in objectives, it would not have been obvious to the person of ordinary skill in the art to even attempt to manipulate the disclosures of

the references so as to abstract portions of one for inclusion into another so as to obtain something which is different from both Doerer and Barrable. Indeed, Doerer, Barrable and Vöst are all concerned with making pressed relatively dense shapes, not insulation for buildings.

The inventive idea of the present invention is not simply to make a mat by mixing different and molding them into a wanted shape and heat treating until the melt and bond the other together to form the mat. Instead, the inventive idea is to make an insulation product for buildings from recycled scrap material such as used clothes, fabric leftovers, etc. In other words, the inventive idea is a method for converting a waste material into a useful product. In addition to solving a waste problem, the claimed product obtains the same quality and performance, but is cheaper to manufacture and significantly more healthy for the personnel handling them and the habitants leaving in the buildings that are isolated by them than the present corresponding type of products which at least in Europe is glass wool or rock wool mattresses.

By proceeding according to what is disclosed in the present application, one obtains an insulation mat which is mostly air and thus has a very low density. This inherently occurs by aerating the homogenous fiber mixture.

On the other hand, the mats according to Doerer, Barrable and Vöst are all of an importantly different density. They are highly compressed structures, preferably bounded with resin in addition to the thermosetting fibers, in order to obtain self-sustainable mats with densities from several hundred to a few thousands kg/m³, see i.e. tables in Example 4 to 24 in Barrable or line 62-65, column 2 in Vöst. The pressures employed forming these products are in the order of tens to hundreds of atmospheric pressures, see line 7, column 3 in Vöst or line 44 of column 5 in Doerer. In the mat according to the present invention there is employed hardly any pressure at all, i.e. only enough to shape and maintain the rather extreme aerated structure. This shows clearly that Doerer, Barrable and Vöst refer to a different type of product and are therefore only of little relevance.

The rejection states that Barrable teaches that flax is equivalent to the fibers disclosed by Doerer. However, this is a teaching contrary to the present invention, because flax is not equivalent. In the present invention, three different types of fibers must be present, namely (1) the recycled shoddy, (2) the polyester and (3) the flax. The latter is not equivalent to other fibers.

The present invention requires certain proportions, and this also is not made obvious by the prior art. It is not

a matter of routine experimentation, because Doerer and Barrable desire to make denser products, and therefore routine experimentation would not teach how to obtain a product which is different from what is disclosed, taught and desired in both of those prior art patents.

As noted above, both Barrable and Doerer teach the manufacture of relatively dense products, and Barrable and Vöst include binders. In Barrable, a water-settable inorganic binder is used such as Portland cement. In Vöst, a hot melt adhesive and a solid epoxy resin/curing agent system are used. A consideration of these documents together does not lead one having one ordinary skill in the art to or even anywhere near the present invention.

Moreover, applicant does not see that the prior art teaches one of the main features of the present invention, namely the aerated nature of the admixture of fibrous materials. It is the aeration step which results in the aerated product which achieves a product which is largely air and thus provides excellent insulating properties.

In applicant's opinion, the closest prior art is Borger since this patent teaches the same kind of mat insulation for buildings.

Borger teaches that one can employ a mixture of two or more polyester fibers where at least one type has a

significant lower melting point than the other type to form heat insulating materials by heat treating the mixture until the fiber type with the lower melting point melts and bonds the remaining fibers together. However, from column 1, lines 5-10, column 2, lines 10-20, or claim 1, one sees that Borger is restricted to fully synthetic fibers polyester (both carrying and bonding).

The problem that Borger addresses is to obtain a heat insulating mat that can be rolled up, which has a thermal conductivity of less than 0.04 W/mK, and which as a one-material system is recyclable. From column 1 and the first two sections of column 2, a skilled person will read that in order to obtain this objective, one has to employ a single material system based on polyester fibers. Thus, one has to overcome a technical prejudice in order to end up with the present invention of manufacturing such a mat from an unspecific mixture of many different types of fibers resulting from employing collected scrap clothes as raw material.

Borger thus teaches **away from** the present invention. Any person having ordinary skill in the art, wishing to produce a product like applicant's product, having good insulation properties, and reading Borger, would never adopt any teachings from the other three citations. Considering first the other three citations, one skilled in the art,

further in view of Borger, would not seek to make a product like applicant's product, i.e. an insulating mat of low density.

The prior art does not teach applicant's invention. The rejections should be withdrawn and such is respectfully requested.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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